

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
DIVISION

FILED

JAN 12 2017

Clerk, U.S. Courts
District Of Montana
Missoula Division

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GEORGE LESLIE MANLOVE,

Defendant.

CR 15-40-M-DLC-01

ORDER


In preparing for the Final Pretrial Conference scheduled for January 13, 2017, the Court has reviewed the parties' briefings regarding evidentiary issues, particularly those relating to potential expert testimony. The Court has determined that the parties have not fully addressed the issues of: (1) whether evidence of causation and damages is admissible; and (2) the extent to which any expert is expected to testify as to causation and damages. In its review of the expert disclosures and reports, the Court notes that three experts are likely to testify extensively—if not exclusively—as to damages: the Government's expert John Boyle and Defendant's experts David Workman and Paul N. Shields.

Prior to the Final Pretrial Conference scheduled on Friday, January 13, 2017, the Court asks the parties to review four cases in preparation for discussion

of the above-mentioned issues: *Neder v. United States*, 527 U.S. 1 (1999); *United States v. Woods*, 335 F.3d 993 (9th Cir. 2003); *Farrell v. United States*, 321 F.2d 409 (9th Cir. 1963); and *United States v. Rowe*, 56 F.2d 747 (2d Cir. 1932). The parties should be prepared to discuss the relevance of evidence of causation and damages and the application of the law to the parties' intended expert testimony.

Accordingly, IT IS ORDERED that the parties be prepared to discuss at the Final Pretrial Conference: (1) the general admissibility of evidence of causation and damages, particularly in light of *Neder*, *Woods*, *Farrell*, and *Rowe*; and (2) the admissibility of testimony regarding causation and damages by the parties' expert witnesses.

DATED this 12th day of January, 2017.


Dana L. Christensen, Chief Judge
United States District Court